



Paper No. 29

GENZYME CORPORATION C/O FISH & RICHARDSON  
FISH & RICHARDSON, PC  
225 FRANKLIN STREET  
BOSTON, MA 02110-2804

**COPY MAILED**

**NOV 06 2001**

In re Application of:  
Gordon, *et al.*  
Application No. 07/839,194  
Filed: 02/20/1992  
Attorney Docket No. IG5-4.4

**OFFICE OF PETITIONS  
ON PETITION**

This is a decision on the September 6, 2001 petition under 37 C.F.R. §1.137(b) to revive the above-identified application.

This application became abandoned for failure to timely reply to the final office action mailed on January 30, 2001. A shortened statutory period of three (3) months was set for replying. This period lapsed without a timely and proper reply. Consequently, the application became abandoned on May 1, 2001.<sup>1</sup>

Effective December 1, 1997, the provisions of 37 C.F.R. §1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 C.F.R. §1.137(b). A grantable petition pursuant to 37 C.F.R. §1.137(b) must be accompanied by:

- (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof;
- (2) the petition fee as set forth in 37 C.F.R. §1.17(m);
- (3) a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and
- (4) any terminal disclaimer (and fee set forth in 37 C.F.R. §1.20(d)) required pursuant to 37 C.F.R. §1.137(c).

<sup>1</sup> 35 U.S.C. §133, 37 C.F.R. §1.134-136.

This petition lacks requirement number four (4) above.

The three month extension of time requested with this petition is untimely and therefore will not be granted. No fees will be charged to Petitioner's account for said extension request.

The petition fee of One Thousand Two Hundred Forty Dollars (\$1,240.00) and the notice of appeal fee of Three Hundred Ten Dollars (\$310.00) will be charged to Petitioner's deposit account (DA# 06-1050).

Accordingly, this petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted.<sup>2</sup> The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.137(b)".

Further correspondence with respect to this matter should be addressed as follows:

By mail:                   Assistant Commissioner for Patents  
                                Box DAC  
                                Washington, D.C. 20231

By FAX:                   (703) 308-6916  
                                Attn: Office of Petitions

By hand:                  Office of Petitions  
                                Four Crystal Plaza, Suite 3C23  
                                2201 South Clark Place  
                                Arlington, VA 22202

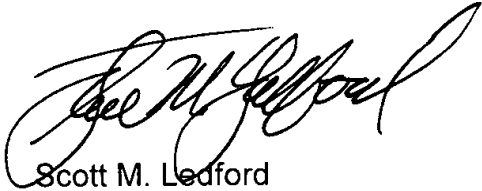
---

<sup>2</sup> 37 C.F.R. §1.137(d)

*In re Application of Gordon, et al.*  
Application No. 07/839,194  
Page 3

---

Telephone inquiries concerning this matter may be directed to the undersigned in the Office of Petitions at (703) 306-5593.

A handwritten signature in black ink, appearing to read "Scott M. Ledford", is written over the printed name.

Scott M. Ledford  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy